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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

QUINTIN HAWKINS,

Plaintiff,

vs.

CASE NO.

THOMAS STANTON, et al.,

C-1-01-783

Defendants.

DEPOSITION OF: KATHY PIERCE

Videographic deposition of KATHY PIERCE,
taken pursuant to Notice, before Melanie Reagan
Strange, Court Reporter and Notary Public, State of
Alabama at Large, in the Ramada Inn, Huntsville
Airport East, 8716 Madison Boulevard, Huntsville,
Alabama, on the 21st day of November, 2003,
commencing at 12:08 p.m. pursuant to the stipulations
set forth herein.

Melanie Reagan Strange, Court Reporter

□

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1 S T I P U L A T I O N S

2 IT IS HEREBY STIPULATED AND AGREED, by and
3 between counsel that the videographic deposition of
4 KATHY PIERCE may be taken on the date and time
5 specified and in the action denominated herein before
6 Melanie Reagan Strange, Court Reporter and Notary
7 Public.

8 IT IS FURTHER STIPULATED AND AGREED that the
9 signature to and reading of the deposition by the
10 witness is waived, the deposition to have the same
11 force and effect as if full compliance had been had
12 with all laws and rules of Court relating to the
13 taking of deposition.

14 IT IS FURTHER STIPULATED AND AGREED that it
15 shall not be necessary for any objections to be made
16 by counsel to any questions, except as to form or
17 leading question, and that counsel for the parties
18 may make objections and assign grounds at the time of
19 trial or at the time said deposition is offered on
20 evidence, or prior thereto.

21 IT IS FURTHER STIPULATED AND AGREED that
22 notice of filing of this deposition by Commissioner
23 is waived.

□

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1 A P P E A R A N C E S

2

3 APPEARING ON BEHALF OF THE PLAINTIFF:

4 Mr. Fanon A. Rucker
5 Attorney at Law
Santen & Hughes
6 312 Walnut Street
Suite 3100
Cincinnati, Ohio 45202

7

8 APPEARING (via telephone) ON BEHALF OF THE DEFENDANT:

9 Mr. Michael J. Harmon
Senior Assistant Trial Counsel
10 City of Cincinnati
801 Plum Street
11 Room 214
Cincinnati, Ohio 45202

12

13 Mr. Stephen S. Lazarus
Attorney at Law
14 Hardin, Lefton, Lazarus & Marks, LLC
915 Cincinnati Club Building
15 30 Garfield Place
Cincinnati, Ohio 45202

16

17 APPEARING ON BEHALF OF THE CITY OF HUNTSVILLE:

18 Mr. M. Bruce Pitts
Assistant City Attorney
19 City of Huntsville
P. O. Box 308
20 Huntsville, Alabama 35810

21

22 ALSO PRESENT:

23 Mr. Don Griffin, videographer

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1	11/21/03	PROCEEDINGS	12:08 p.m.
2	MR. GRIFFIN:	On the record,	12:08, November

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21st, year 2003. This is this deposition of Ms. Kathy Pierce. This deposition is taking place in Huntsville, Alabama at the Ramada Inn Airport. At this time, would the attorneys identify themselves, starting with the Plaintiff's attorney.

8 MR. RUCKER: Fanon A. Rucker with Santen &
9 Hughes. I am the lawyer for Quintin Hawkins, the
10 Plaintiff, in Quintin Hawkins versus Thomas Stanton,
11 et al.

12 MR. GRIFFIN: Would the attorneys on the
13 telephone identify themselves?

14 MR. HARMON: Yes. This is Michael, middle
15 initial, J. Harmon, H-a-r-m-o-n, Senior Assistant
16 Trial Counsel for the City of Cincinnati, attorney
17 for the City of Cincinnati and the three Cincinnati
18 police officers who were named in this suit.

19 MR. LAZARUS: And this is Steve Lazarus,
20 attorney, special counsel for the officers in their
21 individual capacity also in Cincinnati, ohio.

22 MR. PITTS: And this is Bruce Pitts. I'm an
23 assistant city attorney with the City of Huntsville.

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MR. GRIFFIN: Ms. Court Reporter, would you swear the witness, please?

KATHY PIERCE,
being first duly sworn, was examined and testified as
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5 follows:

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7 EXAMINATION BY MR. RUCKER:

8 Q. Ms. Pierce, to re-introduce myself, my name is Fanon
9 Rucker, and I'm representing Quintin Hawkins in the
10 matter that we are discussing today. Have you ever
11 had your deposition taken before?

12 A. Yes, I have.

13 Q. So you know that the court reporter is going to be
14 taking down everything that you say, so that I'd ask
15 that any response that you give be a verbal response.
16 It's difficult for her to take down head nods and
17 head shakes, although this is being videotaped. If
18 you have any questions of the questions that I ask
19 you, please just let me know and I'll try to restate
20 the question clearer. If you need to take a break,
21 please let me know. I don't expect this deposition
22 will last very long, but sometimes I tend to talk a
23 little more than I need to. So I'm going to first

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7

1 ask you to state your name and spell your last name
2 for the record?

3 A. I'm Kathy Pierce, P-i-e-r-c-e.

4 Q. And what is your employment, current employment?

5 A. I'm an investigator with the Huntsville Police

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6 Department.

7 Q. And how long have you been so employed?

8 A. 21 years.

9 Q. Is it true then you were in that position in July and
10 August of 2001?

11 A. Yes, I was.

12 Q. In July and August of 2001, who was your supervisor?

13 A. Sergeant Rex Reynolds.

14 Q. And is he now a Lieutenant with the Huntsville Police
15 Department?

16 A. Yes, he is.

17 Q. And what types of cases did you investigate in July
18 and August of 2001?

19 A. Murder cases, suicide and adult sex crimes,
20 unattended deaths.

21 Q. And was this known as the major crimes investigation
22 section?

23 A. Yes.

□

8

1 Q. And approximately how many open cases did you have in
2 July and August of 2001?

3 A. I don't have a clue.

4 Q. Okay. Was one of those open cases a person by the
5 name of Quentin Haskins?

6 A. Yes.

7 Q. And were there other names that you -- in August of
Page 7

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8 2001, were there other names by which the person
9 Quentin Haskins was known to you?

10 A. Yes.

11 Q. What were some of those other names, please?

12 A. The first name that I had was Q, just the letter Q.
13 Then a name that we had before that he'd given us on
14 a prior arrest was Quanza O'Neill Hawkins.

15 Q. At the time, did you know Mr. Haskins to be known by
16 Quintin Hawkins, Q-u-i-n-t-i-n?

17 A. Say that again, please.

18 Q. At the time, in July or August of 2001, did you know
19 Mr. Haskins to be, to also have an alias name of
20 Quintin, Q-u-i-n-t-i-n, Hawkins, H-a-w-k-i-n-s?

21 A. I had knowledge it was Quanza O'Neill Hawkins that
22 I'm familiar with.

23 Q. What was the nature of your knowledge of Mr. Haskins?

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9

1 A. He was a murder suspect in a case that I was working.

2 Q. And --

3 MR. HARMON: Please interrupt here and ask
4 the person to speak a little louder.

5 MR. RUCKER: Thank you.

6 MR. HARMON: Thank you.

7 Q. (BY MR. RUCKER:) What was the general nature of the
8 facts of that incident involving Mr. Haskins?

9 A. I had a situation on May the 18th of '01. There was
10 a barbecue. A female was insulted by a friend of Mr.
11 Haskins. The female called her brother, Kurantiya
12 Garner, to come take up her cause. He brought some
13 friends with him. They proceeded to look for Haskins
14 and his friend. After some time, they did locate
15 him. There was a struggle, gunshot. Kurantiya
16 Garner, of course, died, and at that point, talking
17 to witnesses, I received information the subject's
18 name was Q that had done the shooting.

19 Q. And through your investigation, did you obtain a
20 physical description of the subject?

21 A. Yes, I did.

22 Q. What was that physical description, if you have it?
23 And for the record, you're referring to a document

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10

1 that you have in front of you?

2 A. Yes.

3 Q. I don't intend to introduce that document into
4 evidence, but for the record, could you describe the
5 document that you're referring to right now?

6 A. Yes. It's my case report, my offense incident report
7 that I'm looking through.

8 Q. And does looking at that document help to refresh
9 your recollection as to the physical description of
10 the person who you believe to be Quentin Haskins that

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11 you received during your investigation?

12 A. Yes.

13 Q. Thank you.

14 A. It was a black male, around 22 so years of age,
15 around six foot tall. I don't have the exact -- I
16 can't find the exact page with that information on
17 it.

18 Q. Did you receive any information about the
19 individual's skin complexion?

20 A. I can't recall that at the time.

21 Q. Did you receive any information regarding identifying
22 scars or marks?

23 A. Not at that time. I later did.

□

11

1 Q. And when was the later, relative to the issuing of
2 the arrest warrant?

3 A. The warrant was issued -- from the initial Q, I found
4 out the subject that we had in our computer system
5 was Quanza O'Neill Hawkins. I did a photo lineup and
6 he was identified from that lineup. After that time,
7 a warrant was issued in that name. After that time,
8 in communication with a police department, a
9 sheriff's department in Virginia, I determined that
10 his real name was Quentin O'Neill Haskins. And I got
11 an identifying mark, a tattoo, that was given to me

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12 by them.

13 Q. Now, the information that you received regarding Mr.
14 Haskins, did you communicate that information to any
15 clerks or anyone to input into a computer?

16 A. That information was given, all the information that
17 I had was given to our records people.

18 Q. And do you know what they do or what they did with
19 that information?

20 A. No, I don't know what they did.

21 Q. And based on your investigation, you indicate that a
22 warrant was issued for Mr. Haskins arrest?

23 A. Yes, it was.

□

12

1 Q. I'm going to show you what's been previously marked
2 as an exhibit and will be marked in this deposition
3 as Exhibit 1. I'm going to also show you a document
4 that's going to be marked as Exhibit 2.

5 MR. RUCKER: For the record, I'm showing the,
6 I guess the back page of the warrant. There is a
7 date of August 7, 2001. I think I just faxed it to
8 you all. State of Alabama versus, handwriting,
9 Quentin Haskins. DOB 8/18/78, and there's alias.
10 And I ask that be marked as Exhibit 1. And there's
11 also a document, on the front page, it's a two-page
12 document, stapled. The first page says
13 "Certification, State of Alabama, County of Madison,
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14 I, Lieutenant Sherry Jackson, hereby certify that I
15 am custodian of Records." The second stapled page is
16 a document indicating "entered leads, warrant Madison
17 County." It has the warrant number and other
18 information on this case. That's going to be Exhibit
19 2.

20 (Whereupon, Plaintiff's Exhibit Numbers
21 1 and 2 were marked for identification.)

22 Q. (BY MR. RUCKER:) Now the first document that has
23 been identified as Exhibit 1, could you identify --

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13

1 if you could take that document. Can you identify
2 that document, please?

3 A. Yeah, that's a warrant for, at the time, Quanza
4 O'Neill Hawkins and then a Quentin Haskins.

5 Q. And this document has handwriting under the verses.
6 Is that your handwriting?

7 A. Yes, it is.

8 Q. And that's information that was different than the
9 original information submitted on Mr. Hawkins?

10 A. That's correct.

11 Q. And was that based on the information that you
12 received from another agency that the individual's
13 real name was Quentin Haskins?

14 A. That's correct.

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15 Q. On the first third of the page, there is a minimus
16 or commitment area, and it indicates that it's, I
17 guess, a directive to any jailer of Madison County.
18 There is a date of August 28, 2001. Do you know how
19 that date comes to be placed on the minimus?
20 A. No.
21 Q. And was it your decision to decide his bond was
22 \$50,000?
23 A. The warrant magistrate issued that.

□

14

1 Q. Okay. Thank you. I'm going to ask you to point to
2 Exhibit 2. I'm first going to ask you do you know an
3 individual by the name of Lieutenant Sherry Jackson?
4 A. Yes.
5 Q. And does it indicate she is the custodian of records
6 for the police department of Huntsville?
7 A. That's correct.
8 Q. Is she currently in that position?
9 A. She is not now.
10 Q. All right. If you could turn to the second page of
11 the document. Could you identify this document,
12 please?
13 A. It's a warrant for a Quentin Haskins.
14 Q. And did this document -- I'm sorry. Do you know
15 where this document originated?
16 A. Yes. I received this after the other warrant had

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17 been served.

18 Q. And you say after your other warrant had been served.

19 what do you mean the other warrant had been served?

20 A. The sheriff's department, I'd left it with them when
21 I was told that they had the subject in custody.

22 Q. And was it your understanding that this information
23 came from Cincinnati or Hamilton County?

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15

1 A. The information on this warrant?

2 Q. That's correct.

3 A. I'm -- I don't know that, no, sir.

4 Q. Okay. In the middle section of the page, there is
5 demographic information or identifying information on
6 the individual. Could you just -- I know the record
7 speaks for itself, but could you start where it says
8 name, "Quentin Haskins," and proceed to read those,
9 that information there?

10 A. "Name, Quentin O'Neill Haskins; address, 4233
11 Myrtlewood Drive, Apartment D; city, Huntsville;
12 state, Alabama; alias, Hawkins, Quanza O'Neill."

13 Q. And down further in that same section there it
14 indicates, it looks like date of birth, race. Could
15 you identify?

16 A. "Date of birth, 8/18/1978; race, black; sex, male;
17 hair, black; eyes brown; height 6'2"; weight, 180."

18 Q. Okay. And is the information that's identified there
19 consistent with what you knew the person Quentin
20 Haskins, known to you as Quentin Haskins, was that
21 true information on him?
22 A. That's correct.
23 Q. Do you know if this information or if this particular

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16

1 document was ever sent to Cincinnati or to Hamilton
2 County?
3 A. I don't know that.
4 Q. Thank you. When the warrant was issued, did you have
5 any information on Haskins's whereabouts?
6 A. I had information he'd gone to Mississippi. I had
7 information that he had family in Virginia. Just
8 that kind of hearsay information.
9 Q. Did have you any information on any surgical
10 procedure that he had undergone after the warrant and
11 before August of 2001?
12 A. Yes.
13 Q. What was that information?
14 A. His girlfriend stated that he had to go to
15 Mississippi for some type of surgery, and they had to
16 cut his lower stomach area.
17 Q. And from that information, did you also learn that he
18 had some type of identifiable marks from that
19 surgery?

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20 A. He had a scar on his lower stomach area.
21 Q. Did you receive any information on how large this
22 scar might have been?
23 A. I don't -- I didn't have that.

□

17

1 Q. Did you -- what did you do with this information?
2 A. That was noted on my information on my case report,
3 my supplements.
4 Q. Would that have been available to anyone who reviewed
5 the file?
6 A. Yes.
7 Q. When did you -- sometime in July or August of 2001,
8 did you receive information that a person known as
9 Quentin Haskins was, in fact, in custody?
10 A. Yes.
11 Q. What information did you receive and from whom?
12 A. I was out of town, and when I returned back in town
13 my supervisor, Sergeant Reynolds, advised me that an
14 arrest had been made.
15 Q. And did he indicate any details about the arrest or
16 the detention of the individual at the time?
17 A. That he was arrested in Cincinnati.
18 Q. Did Sergeant Reynolds give you the names of any of
19 the individuals associated with the arrest or the
20 detention?

21 A. Not that I recall.
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22 Q. Did he advise you of any information that had been
23 communicated with him regarding the individual that

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1 was arrested?
2 A. Say that again.
3 Q. Did Sergeant Reynolds advise you of any of the
4 information that had been received from Cincinnati
5 regarding the individual that was arrested?
6 A. No.
7 Q. Did he advise that he had spoken to anyone in
8 Cincinnati about it?
9 A. Just that he was at home when he received the
10 information, and that he had contacted someone in
11 that area about the arrest.
12 Q. Do you recall if he gave you the name of the person
13 that he contacted?
14 A. I don't recall. I didn't make notes on that.
15 Q. Do you know how long after the person was
16 incarcerated that you were advised that the person
17 was, in fact, in custody?
18 A. That he was here?
19 Q. No, that he was in Cincinnati in custody? How long
20 after that happened did you receive information about
21 that?
22 A. It was, I'm assuming two or three days after he was

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23 arrested that I found out about it when I got back in

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19

1 town.

2 Q. And what did you do once you received that
3 information?

4 A. It was sometime later that the Madison County
5 Sheriff's Department needed a copy or needed the
6 warrant and needed information from the district
7 attorney's office for the extradition, and I gathered
8 that paperwork up for the Madison County Sheriff's
9 Department.

10 Q. And when was your next contact regarding this
11 particular case?

12 A. I checked -- I kept checking to see if Haskins had
13 been extradited back, and on August the 15th, I went
14 to the Madison County Jail to interview Quentin
15 Haskins.

16 Q. And do you know approximately what time you arrived?
17 A. It was in the afternoon.

18 Q. Had you alerted anyone in the district that you were
19 going, or in your police department, that you were
20 going to interview him?

21 A. I may have mentioned it to Sergeant Reynolds.

22 Q. What happened when you arrived at the jail?

23 A. I arrived there, told the jailers that I was there to

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1 interview Quentin Haskins. I went to the interview
2 room and waited for them to bring him to the room.

3 Q. And when he arrived in the room what happened?

4 A. He stated that he wasn't the subject I was looking
5 for, that he wasn't Quentin Haskins. I had a
6 photograph of the subject I was looking for, Quentin
7 Haskins. This subject, it wasn't the same subject
8 that I had in the photograph. At that time I
9 obtained the fingerprint card from the Madison County
10 Sheriff's Department on this subject. I went to the
11 Huntsville Police Department's ID section where we
12 had a fingerprint card on Quentin Haskins, alias
13 Quanza O'Neill Hawkins. The tech compared the
14 fingerprint cards and said no, it's not the same
15 subject.

16 Q. When you initially saw the person who was brought
17 into the room, did you notice any physical
18 similarities between the person that you were looking
19 for and that person?

20 A. It was black male, the short hair. The subject that
21 was at the jail was shorter than the information I
22 had on Quentin Haskins.

23 Q. Do you recall whether his complexion was different

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1 than the person you were seeing?

2 A. All I had was a photograph to go by.

3 Q. How long did this take from the time that you
4 observed the person who you believed first to be
5 Quentin Haskins and the time that he was ultimately
6 released from the jail? Approximately how long did
7 that take?

8 A. It was probably between one and two hours.

9 Q. What did you do immediately after discovering that
10 this was not the person that you believed he was
11 supposed to be?

12 A. I called Sergeant Reynolds and advised him, and he
13 called the jail and the judge to make arrangements to
14 have the subject released.

15 Q. And we've been talking around the person. Did you
16 later learn the name of the person who you actually
17 met with?

18 A. It was Quintin Hawkins.

19 Q. Did you ever sit down and speak with Quintin about
20 the fact that he was there, how he got there or any
21 of that information?

22 A. Not really. He said that it wasn't him, and that's
23 basically it.

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1 Q. About how long would you say your contact with
2 Quintin was?

3 A. We were down at the south precinct. I was in and out
4 of where he was at in the, our reception area.
5 Sergeant Reynolds was on the phone. I was on the
6 phone. And I was involved in other cases, so it was
7 on and off type contact.

8 Q. And did you give him your business card before you
9 all separated?

10 A. I think I did.

11 Q. To your knowledge, was Huntsville -- strike that. Do
12 you know how Quintin left Huntsville?

13 A. I believe Sergeant Reynolds transported him to the
14 airport, and he had a flight out of Huntsville.

15 Q. And do you know how that flight was arranged?

16 A. Sergeant Reynolds took care of that.

17 Q. To your knowledge, was Huntsville ever reimbursed for
18 the cost of sending Mr. Hawkins out of Huntsville?

19 A. I do not know that.

20 Q. In your experience as an officer, had you ever
21 experienced an instance where a person who did not
22 match the physical description of a wanted person was
23 extradited to your agency?

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1 A. I've not been involved with one, and other than that
2 I don't really know.
3 Q. To your knowledge, was Haskins ever arrested on the
4 murder warrant?
5 A. Yes, he was.
6 Q. And how long ago was that?
7 A. He was arrested in October of 2001.
8 Q. And did his case ever go to trial?
9 A. Yes, it did.
10 Q. When did it go to trial?
11 A. December of 2002.
12 Q. What was the outcome of that trial?
13 A. He was found guilty.
14 Q. Thank you. And to your knowledge, is he presently
15 incarcerated?
16 A. Yes, he is.
17 Q. Those are the only questions that I have on the facts
18 specifically. I do have some housekeeping questions.
19 Did you review any documents to prepare for this
20 deposition?
21 A. I just have my case report and my original murder
22 case.
23 Q. And did you meet with anyone in the police department

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1 to discuss your testimony for this deposition today?

2 A. No.

3 Q. Are you familiar with a person by the name of Michael
4 Harmon?

5 A. No.

6 Q. Are you familiar with a person by the name of Steve
7 Lazarus?

8 A. No. I'm sorry, yes. Yes. I know who they are, yes.

9 Q. To your knowledge, have you ever spoken to either of
10 these individuals by telephone, communicated by
11 e-mail or in person?

12 A. Yes, yesterday.

13 Q. And how did you receive notice of this deposition?

14 A. I walked into the office and one of the secretaries
15 handed it to me.

16 Q. What day was that?

17 A. It was Wednesday of this week.

18 Q. On Tuesday, November the 18th, were you in
19 Huntsville?

20 A. Had just arrived in Huntsville.

21 Q. And were you personally served with a subpoena on
22 Tuesday, November the 18th?

23 A. No, I was not.

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2 as an exhibit. I'm going to ask you to take a look
3 at the subpoena. It's two pages.

4 A. (Witness complies.) Yes, sir.

5 Q. On the second page of that subpoena, it indicates
6 service. Do you see proof of service?

7 A. Yes, sir.

8 Q. It indicates "served on," and your name is written
9 there?

10 A. Yes, sir.

11 Q. Under oath, is your testimony that you were not
12 served with this subpoena particularly, by that
13 particular individual who's named there?

14 A. That's correct. I was not at work that day.

15 MR. RUCKER: Thank you. At that point, I have
16 no further questions of Investigator Pierce.

17 MR. HARMON: This is Michael Harmon, counsel
18 for the City of Cincinnati and the Cincinnati police
19 officer defendants. I have no questions. Detective
20 Pierce, I want to thank you very much for your time
21 in this matter.

22 MR. LAZARUS: No questions from Mr. Lazarus
23 either.

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1 MR. RUCKER: Thank you.

2 MR. PITTS: No questions.

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4 MR. GRIFFIN: This will end this deposition,

4 12:33 p.m.

5 FURTHER THE DEPONENT SAITH NOT.

6 (EXHIBITS ATTACHED AND ENCLOSED.)

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1 C E R T I F I C A T E

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3 STATE OF ALABAMA

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5 MARSHALL COUNTY

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7 I hereby certify that the above and foregoing
8 deposition was taken down by me in stenotype and the
9 questions and answers thereto were reduced to writing
10 under my supervision, and that the foregoing
11 represents a true and correct transcript of the
12 testimony given by said witness on said occasion.

13 I further certify that I am neither of
14 counsel nor of kin to the parties to the action, nor
15 am I in any way interested in the result of said
16 cause.

17

18

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21 MELANIE REAGAN STRANGE
COURT REPORTER

22

23